



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Fax
(617) 796-1142

E-mail
mkruse@newtonma.gov

Public Hearing Date:	October 20, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 16, 2009

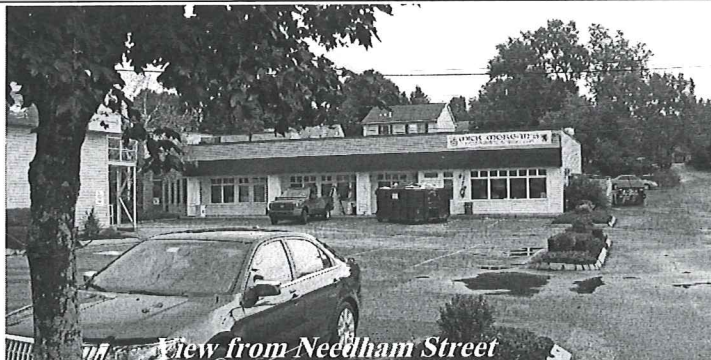
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: Petition #172-98(2), WALCOTT CORPORATION petition to amend SPECIAL PERMIT/SITE PLAN APPROVAL #172-98 by increasing the number of seats in an existing restaurant from 74 to 100 seats and to waive ten additional parking spaces at 118 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 83, Blk 12, Lots 3, 4, 5, and 6, in a district zoned MIXED USE 2. Ref: 30-24, 30-23, 30-13(e)(12), 30-19(c)(2), 30-19(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and special permit #172-98)

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



1000 Commonwealth Avenue, Newton, Massachusetts 02459
www.newtonma.gov

EXECUTIVE SUMMARY

Needham Street is continuing to change from an industrial corridor to a commercial and residential corridor, as noted by the 2007 *Newton Comprehensive Plan*. The City is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to Needham Street. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole. The two buildings at 118 Needham currently house several commercial uses, including one 74-seat restaurant allowed by special permit in 1998. The petitioner is seeking the ability to lease the space for a 99-seat restaurant, enhancing its marketability. No changes to the site plan are proposed. By increasing the viability of this restaurant location without significant increases in traffic or parking, this proposal should enhance the Needham Street corridor.



View of restaurant location and parking lot from Needham Street

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider if the following findings apply:

- The restaurant use as developed and operated positively affects the Needham Street corridor by increasing the vibrancy of the neighborhood.
- The impact of additional vehicle trips will not adversely affect the Needham Street corridor.
- The parking arrangements will accommodate the parking demand of the proposed uses.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Needham Street continues to transition gradually from manufacturing uses to retail, restaurant and residential uses within the Mixed Use 1 and 2 Districts. Along Needham Street, there are other commercial uses abutting the site, including Newbury Comics and a beauty salon to the south and New England Mobile Book Fair to the north. Across Needham Street to the west, the site faces the Avalon Bay apartments, McDonald's restaurant, and a low-rise office building. The area behind the subject site (to the east) contains single- and two-family homes.

B. Site

The 35,000 sq. ft. site consists of four lots with two multi-tenant commercial buildings and associated parking. Both buildings contain two stories, but the restaurant section of building is a single story. In 1998, the Board of Aldermen approved a special permit in Board Order #172-98 (*SEE ATTACHMENT "C"*) to allow a restaurant with 74 seats on the site. Until recently, the restaurant space was occupied by a Mexican restaurant (Acapulco's) that is now moving to Highland Avenue in the Town of Needham. The site also includes a mattress store, a paint-your-own-plaster facility, and a law office. A 50-stall parking lot on the site serves all of these uses.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner proposes increasing the number of seats in the space that has been used as a restaurant for the past ten years. The restaurant that previously occupied the space had 74 seats, with a portion of the interior cordoned off and unused. This petition proposes to increase the number of seats to 99 by filling the unused areas, arguing that it was difficult to lease the property with only 74 usable seats. While Mick Morgan's Irish Pub and Restaurant has signed a lease for the property, the lease contains penalties for the property owner if the 74-seat cap is not changed.

B. Building and Site Design

No changes to the site plan or (exterior) building design are planned.

C. Parking and Circulation

The petitioner is seeking a waiver for the ten parking stalls required in order to add 25 more seats to the restaurant. The petitioner does not propose any changes to the existing parking and circulation areas, but has entered into an agreement to use parking in an adjacent lot during evening peak times. *(Note that the petitioner is not requesting to locate the required parking on another property.)*

In order to assess the parking demand on the site, the petitioner conducted parking counts on three days during April 2009 and three days during June 2009 before the previous restaurant on the site ceased its operations (***SEE ATTACHMENT "D"***). The petitioner conducted the June counts because it is not clear whether the April counts would be representative of the entire year because of the proximity to Patriot's Day and school vacation week. There were two daily peaks at approximately 12:30 p.m. for lunch and 6:30 p.m. for dinner. On five out of the six days when counts were conducted, there were more than ten stalls available during the lunch peak, providing sufficient supply for the potential additional demand anticipated by the restaurant expansion. On one day, there was insufficient supply to meet this demand. On two of the six evenings when counts were conducted, there was insufficient capacity to meet the projected increase (based upon requirements in the City's Newton Zoning Ordinance).

Demand for parking at this site may be lower than the City's requirements, because the complementary mix of retail, offices, and restaurants in the immediate vicinity of property would likely result in trips to the facility by foot, especially for lunch-time use of the restaurant. In addition, complementary retail and restaurant uses at 118 Needham Street may result in shared trips to multiple businesses that use only a single parking stall.

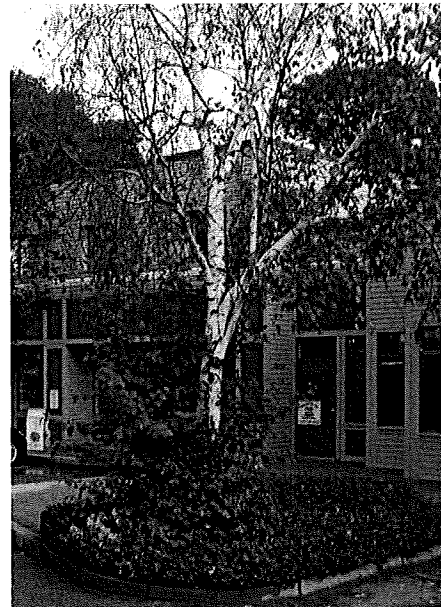
To accommodate any increase in the parking demand on the site, the petitioner has entered into an agreement with Salon Fabio to allow restaurant guests and employees to park in the 12 spaces in the salon's adjacent lot in the evenings when the salon is closed (***SEE ATTACHMENT "E"***). Because the peak usage of the previous restaurant was in the evening, the parking provided at this adjacent location is likely to mitigate congestion at the peak hour. ***The Planning Department recommends that the restaurant strongly encourage its employees to use the salon lot so that customers can use the most visible and convenient spaces.***

Condition 4 of Board Order #172-98 specifies that the property owner shall install a bicycle rack for at least six bicycles; however, there is currently no bike rack on the site. ***As a condition of this special permit, the petitioner should be expected to install a bicycle rack for at least six bicycles in a location that is visible from Needham Street.***

Given these circumstances, it appears unlikely that the addition of 25 restaurant seats will cause any parking problems in the vicinity of 118 Needham Street.

D. Landscape Screening, Lighting, and Signage

The petitioner does not propose any additional landscape screening or lighting. The existing landscaping surrounding the parking facility appears to be sufficient for proposed change of use.



The petitioner made several changes to proposed signage in response to recommendations from City's Urban Design Commission. The petitioner received a permit for a new awning sign and new lettering on an existing freestanding sign. ***The Planning Department recommends that any changes to signage on the property be subject to review by the Urban Design Commission and approval by the Director of Planning and Development.***

IV. CITY'S COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* notes that Needham Street is in transition, as former industrial properties move out and commercial and residential use join or replace them. Recent developments on Needham Street are beginning to define the future character of this street and are establishing a new vernacular and streetscape features. The planned (but currently unfunded) reconstruction of Needham Street will further define its potential for land uses, visual character, and accessibility by all modes of transportation. Planning Department staff is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to corridor. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole. By increasing the viability of this restaurant location without significant increases in traffic or parking, this proposal should enhance the Needham Street corridor.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated August 31, 2009 (*SEE ATTACHMENT "F"*), provides an analysis of the project with regards to the City's Zoning Ordinance. No building construction is currently proposed and, therefore, a review for conformance with dimensional requirements is not necessary.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The proposal requires a waiver of ten spaces for the 25-seat increase in restaurant capacity.
- C. Other Reviews
 1. Engineering. No changes to the site plan are proposed and no engineering review is necessary.
 2. Fire Department. No changes to the site plan are proposed and no review is necessary for fire accessibility.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated August 31, 2009 (*SEE ATTACHMENT "F"*), the petitioner is seeking approval through or relief from:

- Board Order #172-98, to amend site plan to reflect new parking configuration;
- Board Order #172-98, to increase the number of seats from 74 to 99;
- Section 30-13(b)(5) to allow a restaurant use with more than 50 seats in the MU-2 zone;
- Section 30-19 to allow a waiver of 10 required parking stalls;
- Section 30-23 for site plan approval; and
- Section 30-24 for approval of special permit.

VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

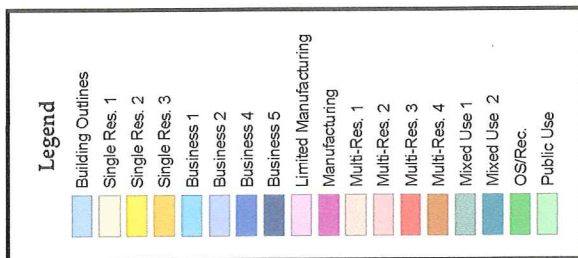
This petition is currently complete.

ATTACHMENTS

- ATTACHMENT A:** *Zoning Map*
ATTACHMENT B: *Land Use Map*
ATTACHMENT C: *Board Order #172-98*
ATTACHMENT D: *Memorandum from Tetra Tech Rizzo*
ATTACHMENT E: *Letter from Salon Fabio and Spa, dated August 6, 2009*
ATTACHMENT F: *Zoning Review Memorandum, dated August 31, 2009*

Zoning Map

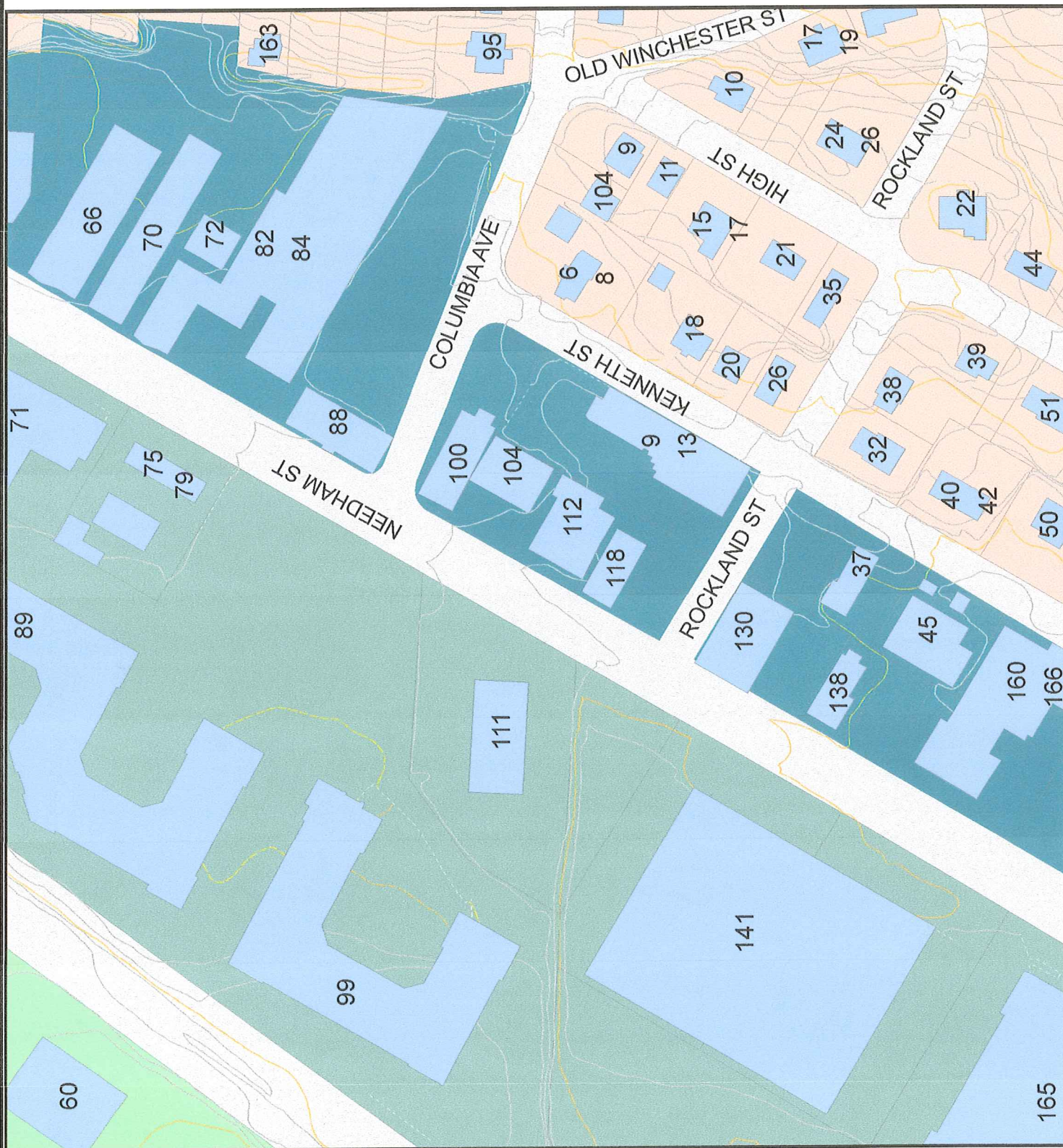
118 Needham St. and Vicinity

City of Newton,
Massachusetts

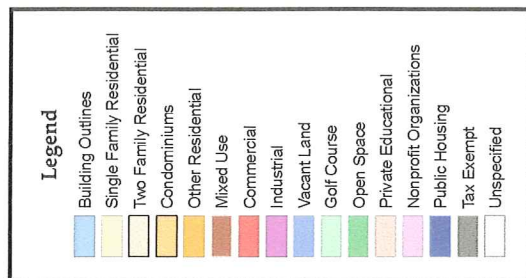
The information on the Geographic Information System (GIS) that Newton cannot guarantee is information. Each use for determining its suitability. City department approve applications



MAP DATE:



118 Needham St. and Vicinity

City of Newton,
Massachusetts

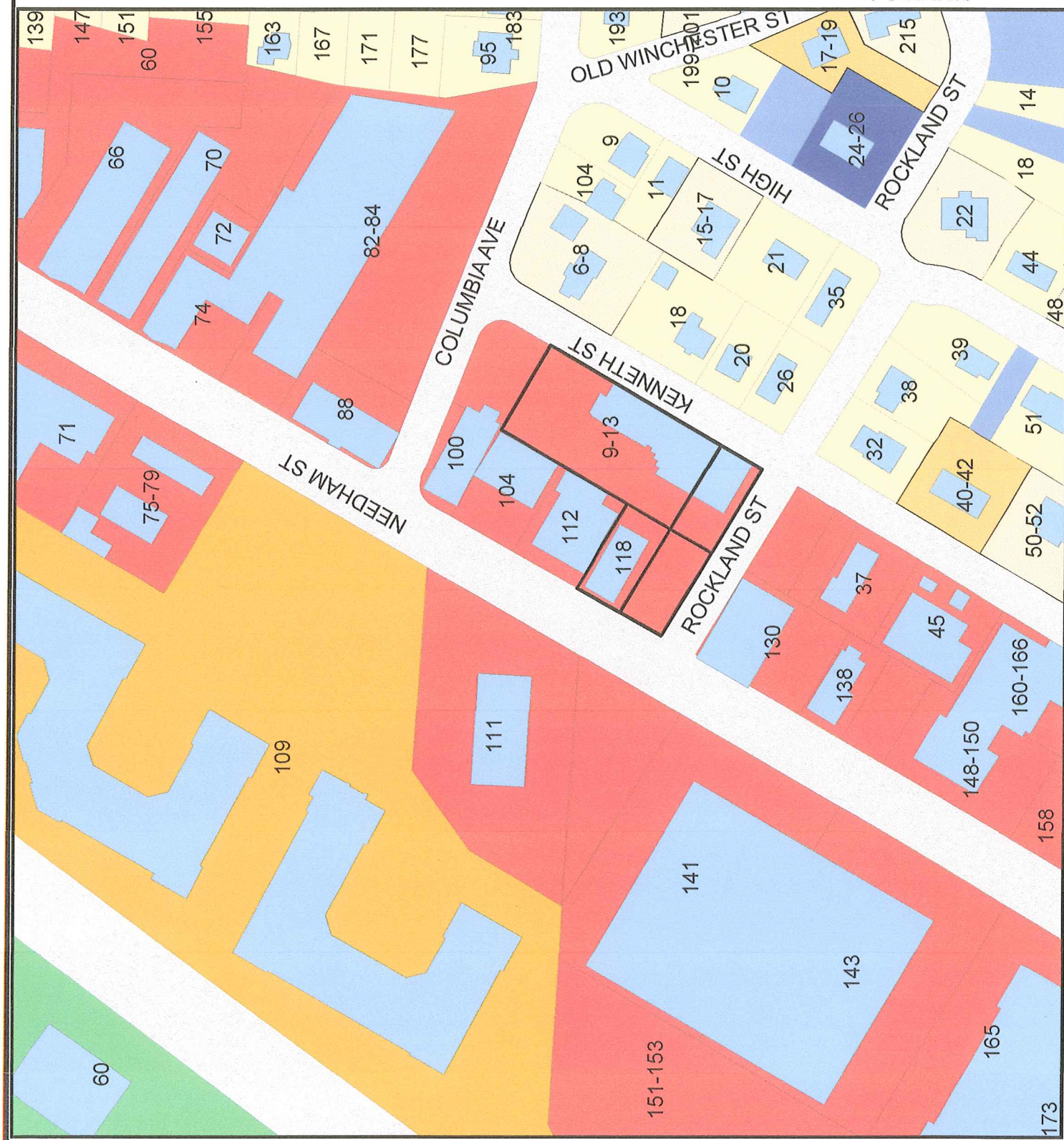
ATTACHMENT B



The information on the Geographic Information Newton cannot guarantee information. Each user for determining its suitability. City departments approve applications to



MAP DATE: 1



ATTACHMENT C

#172-98

CITY OF NEWTON

IN BOARD OF ALDERMEN

July 13, 1998

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that it is not practicable to meet the parking demand on site.
2. The Board finds that the petitioner will improve the parking arrangement to better locate handicapped parking spaces.
3. The Board finds that the increase in seating will have a negligible effect on Needham Street
4. The Board finds that the issuance of a common victualler's license for beer, wine and alcohol will have no impact on the street and that this service will enhance the business.
5. The Board finds that the petitioner has mitigated any traffic impact by providing a bike rack, shuttling employees to the site in a van and making an annual contribution to the Nexus.

PETITION NUMBER: 172-98

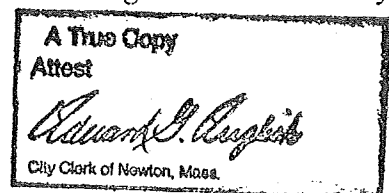
PETITIONER: Gourmet Wok, Inc.

LOCATION: 122 Needham Street, Ward 8, Section 83, Block 12, Lots 2, 3, 4, 5 and 6, containing approximately 35,000 sq. ft. of land.

OWNER: Mark Development Associates

ADDRESS OF OWNER: 118 Needham Street

TO BE USED FOR: A restaurant with not more than 50 seats during lunch hours and 74 seats during dinner and Sunday hours.



1998 JUL 16 PM 4:28
CITY CLERK
NEWTON, MA. 02

CONSTRUCTION:

Interior only

EXPLANATORY NOTE:

Section 30-13(e)(12) allows the Board of Aldermen to grant a special permit for a restaurant with more than 50 seats and a restaurant serving beer, wine and alcohol.

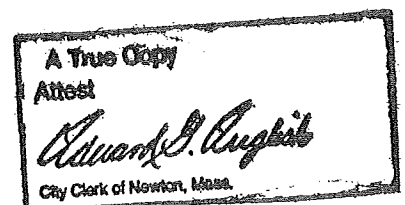
Section 30-19(c) allows the Board of Aldermen to grant a special permit for a parking waiver for the number of required parking spaces.

Section 30-19(m) allows the Board of Aldermen to grant a special permit to waive the design requirements for parking lots, in this case, the width of parking spaces.

Land referred to is in a Mixed Use 2 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans entitled "Proposed Floor Plan - Gourmet Wok, 118-122 Needham Street, Newton, Massachusetts" dated 5/7/98, by Ahearn-Schopfer and Associates, "Plan of Land, Newton, Massachusetts showing Existing Conditions at #116-#122 Needham Street", dated November 5, 1997, and "Proposed Parking Plan", dated 7/10/98, by VTP Associates, Inc., submitted by the petitioner and filed herewith.
2. That the petitioner restripe all of the approved parking stalls.
3. That the parking waiver granted by this special permit authorizes the use of a portion of the site as a restaurant for up to 74 seats with 9 employees on the largest shift. Any additional seating, increase in the number of employees on the largest shift and/or change of use of the restaurant business shall require an amendment to the Board Order as to the parking waiver. The waiver takes into account all parking credits and available on-site parking
4. That the petitioner install bicycle-parking facilities for at least 6 bicycles, consistent with the provisions of 30-19(k).



5. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL and SITE PLAN APPROVAL until:

a) The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.

b) A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

5. That the expanded portion of the seating subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall not be utilized until:

a) The parking lot improvements have been completed.

b) The petitioner has received a Common Vitualler and All-Alcohol Beverage License from the Licensing Commission for the expanded seating and for the expanded alcohol services.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 5 absent (Ald. Ciccone, M. Lipof, Samuelson, Schnipper, Lipsitt)

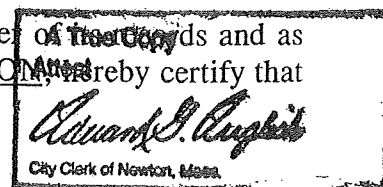
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on July 16, 1998. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of the Records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, Mass. hereby certify that



ATTACHMENT D

April 2009 Parking Occupancy at 118 Needham Street, Newton

A parking occupancy survey was conducted by Tetra Tech Rizzo at the Garden City Plaza mall, located at 118 Needham Street in Newton Massachusetts on Friday, April 17, Saturday, April 18 and Wednesday, April 22, 2009. Tetra Tech Rizzo staff observed the parking occupancy of the shared parking lot at 118 Needham Street on three days between the hours of 10am - 2pm, and 5pm - 7pm. A Friday, Saturday and Wednesday were included in the survey to establish a representative sample. There were no adverse weather conditions during the survey periods. The mid-week day, Wednesday, April 22nd, was in the middle of school April vacation week

Table 1: Parking Occupancy Counts 118 Needham Street, Newton MA

Date:	4/17/2009		
Day:	Friday		
Weather:	Sunny		
Location:	118 Needham Street		
	<i>Time</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	10:00am	7	14%
2	10:30am	8	16%
3	11:00am	8	16%
4	11:30am	14	29%
5	12:00pm	23	47%
6	12:30pm	29	59%
7	1:00pm	28	57%
8	1:30pm	16	33%
9	2:00pm	17	35%
10	5:00pm	20	41%
11	5:30pm	31	63%
12	6:00pm	41	84%
13	6:30pm	49	100%
14	7:00pm	47	96%

Table 1: Parking Occupancy Counts 118 Needham Street, Newton MA (continued)

Date: 4/18/2009
Day: Saturday
Weather: Overcast, Rainy, Sunny
Location: 118 Needham Street

	<i>Time</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	10:00am	3	6%
2	10:30am	11	22%
3	11:00am	8	16%
4	11:30am	15	31%
5	12:00pm	22	45%
6	12:30pm	19	39%
7	1:00pm	30	61%
8	1:30pm	28	57%
9	2:00pm	27	55%
10	5:00pm	21	43%
11	5:30pm	26	53%
12	6:00pm	34	69%
13	6:30pm	31	63%
14	7:00pm	24	49%

Date: 4/22/2009
Day: Wednesday
Weather: Sunny, Cloudy, Rainy
Location: 118 Needham Street

	<i>Time</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	10:00am	15	31%
2	10:30am	17	35%
3	11:00am	22	45%
4	11:30am	29	59%
5	12:00pm	36	73%
6	12:30pm	38	78%
7	1:00pm	39	80%
8	1:30pm	29	59%
9	2:00pm	30	61%
10	5:00pm	23	47%
11	5:30pm	27	55%
12	6:00pm	31	63%
13	6:30pm	33	67%
14	7:00pm	30	61%

Table 3: Garden City Plaza, 118 Needham Street, Parking Occupancy Comparison (April & June 2009)

<i>Time</i>	<i>Wednesday</i>		<i>Friday</i>		<i>Saturday</i>	
	<i>April</i>	<i>June</i>	<i>April</i>	<i>June</i>	<i>April</i>	<i>June</i>
12:00pm	36	24	23	28	22	28
12:30pm	38	39	29	47	19	31
1:00pm	39	37	28	43	30	20
1:30pm	29	27	16	36	28	20
2:00pm	30	16	17	25	27	24
5:30pm	27	19	31	30	26	24
6:00pm	31	25	41	31	34	21
6:30pm	33	37	49	42	31	22
7:00pm	30	44	47	39	24	21
7:30pm	Not collected	37	Not collected	31	Not collected	21

June 2009 Parking Occupancy at 118 Needham Street, Newton

Additional data on parking occupancy was collected to supplement the June 2009 data which was taken during a period close to school's April Vacation/Patriot's Day, and, therefore, might be atypical.

Tetra Tech Rizzo staff observed the parking occupancy at:

- The Garden City Plaza shared parking lot at 118 Needham Street;
- The Salon Fabio and Spa parking lot;

Data was collected on June 10, 2009; June 12, 2009; and June 13, 2009 every ½ hour between the hours of 12:00pm – 2:00pm, and 5:30pm – 7:30pm. A Wednesday, Friday, and Saturday were included in the survey to establish a representative sample. There were no adverse weather conditions during the survey periods.

Table 2: Parking Occupancy Counts 118 Needham Street, Newton MA

Date: 6/10/2009
Day: Wednesday
Weather: Overcast

	Time	118 Needham Street Parking Lot		Salon Fabio & Spa Parking Lot	
		<i>cars parked</i>	<i>occupancy rate</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	12:00pm	24	49%	4	33%
2	12:30pm	39	80%	5	42%
3	1:00pm	37	76%	5	42%
4	1:30pm	27	55%	5	42%
5	2:00pm	16	33%	6	50%
6	5:30pm	19	39%	3	25%
7	6:00pm	25	51%	3	25%
8	6:30pm	37	76%	4	33%
9	7:00pm	44	90%	1	8%
10	7:30pm	37	76%	0	0%

Table 2: Parking Occupancy Counts 118 Needham Street, Newton MA (continued)

Date: 6/12/2009
Day: Friday
Weather: Overcast, Partly Sunny, Partly Cloudy

	<i>Time</i>	118 Needham Street Parking Lot		Salon Fabio Parking Lot	
		<i>cars parked</i>	<i>occupancy rate</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	12:00pm	28	57%	12	100%
2	12:30pm	47	96%	12	100%
3	1:00pm	43	88%	12	100%
4	1:30pm	36	73%	11	92%
5	2:00pm	25	51%	10	83%
6	5:30pm	30	61%	2	17%
7	6:00pm	31	63%	2	17%
8	6:30pm	42	86%	2	17%
9	7:00pm	39	80%	0	0%
10	7:30pm	31	63%	1	8%

Date: 6/13/2009
Day: Saturday
Weather: Partly Sunny, Partly Cloudy

	<i>Time</i>	118 Needham Street Parking Lot		Salon Fabio Parking Lot	
		<i>cars parked</i>	<i>occupancy rate</i>	<i>cars parked</i>	<i>occupancy rate</i>
1	12:00pm	28	57%	10	83%
2	12:30pm	31	63%	6	50%
3	1:00pm	20	41%	8	67%
4	1:30pm	20	41%	7	58%
5	2:00pm	24	49%	7	58%
6	5:30pm	24	49%	0	0%
7	6:00pm	21	43%	0	0%
8	6:30pm	22	45%	0	0%
9	7:00pm	21	43%	1	8%
10	7:30pm	21	43%	2	17%

ATTACHMENT E

SALON FABIO AND SPA
37 Kenneth Street
Newton, MA 02458

August 6, 2009

Robert Solar
Walcott Corporation
1050 Commonwealth Avenue
Boston, MA 02215

Re: Shared Parking Spaces
118 Needham Street and 37 Kenneth Street

Dear Bob:

This letter memorializes our agreement with respect to your use of the parking spaces located in the existing parking lot on my property, 37 Kenneth Street, that serve my business, Salon Fabio and Spa ("Salon Fabio"). After five p.m., your tenants and visitors to the businesses located on your property at 118 Needham Street are authorized to park in available parking spaces located in the Salon Fabio parking lot, 37 Kenneth Street. Salon Fabio is not open to the public after 5 p.m. and, therefore, these parking spaces will be available for use at that time. I have not authorized any other businesses to use the Salon Fabio parking lot after 5 p.m. and, therefore, there will be twelve (12) spaces available for use by your tenants.

Sincerely,



Zoning Review Memorandum

Dt: August 31, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official ET
Candace Havens, Chief Planner

Cc: Michael Kruse, Director, Department of Planning and Development
Ann M. Sobolewski, representing Walcott Corp.
Ouida Young, Associate City Solicitor

RE: Request to increase the number of seats in a restaurant.

Applicant: Walcott Corp.

Site: 118 Needham Street, 9-13 Kenneth Street	SBL: Section 83, Block 12, Lots 3,4,5&6
Zoning: MU-2	Lot Area: 35,000 square feet
Current use: 74-seat restaurant	Proposed use: 100-seat restaurant

Background:

The subject property consists of four lots totaling 35,000 square feet currently improved with two multi-tenant commercial buildings and associated parking. In 1998, the Board of Aldermen approved a special permit (Board Order #172-98) to allow a restaurant with 74 seats and to waive required parking spaces and certain dimensional requirements for the parking lot. The applicants are now proposing to increase the number of seats in the restaurant from 74 to 100.

Administrative determinations:

1. The subject property is located in the MU-2 zone. Per Section 30-13(e)(12), a restaurant with more than 50 seats is allowed in this zone with a special permit from the Board of Aldermen. There is already a special permit for this property to allow a restaurant of 74 seats. Currently, a portion of the interior of the existing restaurant is cordoned off and is not used. The property owner would like permission to use this restricted interior space for additional seating to increase the maximum number of seats to 100. No exterior changes to the existing buildings are proposed at this time. The proponent must amend the existing special permit (Board Order #172-98) to increase the capacity of the restaurant.
2. The 1998 special permit referenced a parking plan depicting 51 parking spaces. The existing site plan submitted with this application shows a parking lot with 50 spaces in a slightly different configuration. In addition, per Section 30-19(c)(2) the proposed, intensified use would require nine additional parking spaces ($37-28 = 9$, see chart below).¹ The proponent must obtain a special permit per Sections 30-19(c) and 30-19(m) for ten parking spaces (nine required for the new use

¹ Section 30-19(c)(2) lays out a formula for calculating parking requirements when a proposed use is replacing an existing one ($A+B-C$ =number of required spaces). In this case, the 1998 special permit waived a number of parking spaces. The special permit approved a parking facility with 51 spaces while the uses on the site at the time actually required more parking. This memo calculates the number of additional spaces required by the proposed use as the number required by intensifying the existing use (i.e. an additional 26 seats and 2 employees).

plus one that was required by the 1998 special permit and does not exist on-site anymore). The 1998 site plan must also be amended to reflect the parking lot, as it exists today.

Use	Required	Prior Use	Previous Parking Requirement	Proposed Use	Proposed Parking Requirement
Restaurant	1 space/3 seats and 1 space/3 employees	74 seats/9 employees	28 (25+3)	100 seats/11 employees	37 (33+4)

3. See "Zoning Relief Summary" below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>		<i>Action Required</i>
	Use	
§30-13(e)(12), Board Order #172-98	Allow restaurant with more than 50 seats in the MU-2 zone	Amend SP per §30-24
	Parking	
§30-19(c)(2), 30-19(d), 30-19(m)	Waive ten required parking spaces	SP per §30-24
	Site	
Board Order #172-98	Amend site plan to reflect new parking configuration	

Plans and materials reviewed:

- Letter from Ann M. Sobolewski to Eve Tapper dated July 17, 2009
- "116-122 Needham Street, Compiled Existing Conditions Plan," drawn by Tetra Tech, dated 7-15-09, neither signed nor stamped by a licensed professional
- Board Order #172-98 dated July 13, 1998
- "Plan of Land in Newton, Mass." Dated November 17, 2003, signed and stamped by Paul J. DeSimone, Professional Land Surveyor